

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LENIER AYERS,

Plaintiff,

v.

Case No. C07-5540RBL

ROBIN ARNOLD WILLIAMS *et al.*,

Defendants.

LENIER AYERS

Plaintiff,

v.

Case No. C07-5520RJB

LESLIE SZIEBERT *et al.*,

Defendants

Case number C07-5540RBL has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Case Number C07-5520RJB has been referred to the Honorable Judge Strombom. Problems caused by plaintiff, through his mother Dolores Clark, sending lump payments to the court have resulted in undue delay in paying of the filing fee in these two cases.

On December 18, 2007, the court gave Mr. Ayers ten days to inform the court if he wished to use

1 the remaining five dollars from a \$705 Dollar money order to open a habeas action he attempted to file as
2 part of his civil rights action under cause number 07-5540RBL. The court also informed plaintiff he
3 needed to file an amended complaint in this action (Dkt. # 20).

4 Instead of following the courts order Mr. Ayers filed a pleading with what appears to be a
5 Washington State Court of Appeals cause number, 33604-9-II. In this pleading Mr. Ayers asks for a
6 continuance in time to amend and enhance his habeas filings. The motion is **DENIED**. There is no habeas
7 action filed. The court does not have an open habeas case because plaintiff has failed to follow the courts'
8 orders.

9 The court now directs the clerk's office to refund to Dolores Clark \$5 dollars of the \$705 dollar
10 money order sent by Dolores Clark on behalf of Mr. Ayers. The remaining \$700 Dollars should be
11 distributed to pay the filings fees in 07-5520RJB and 07-5540RBL.

12 In another motion plaintiff asks for a 30-day continuance "to amend, and improve a civil action in
13 notice of intent." The court gave plaintiff until January 17, 2008, to file an amended complaint. Further,
14 the court gave him instructions on the defects in his pleadings (Dkt # 20). Further delay in this action is
15 not warranted. The motion is **DENIED**

16 The Clerk is directed to send plaintiff a copy of this order.

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18 DATED this 7th day of January, 2008.

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21 /S/ J. Kelley Arnold
22 J. Kelley Arnold
23 United States Magistrate Judge
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